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Efiled on June 12, 2006.

5 **UNITED STATES BANKRUPTCY COURT**
6 **DISTRICT OF NEVADA**

7 In re:
8 USA COMMERCIAL MORTGAGE COMPANY,
9 Debtor.

10 In re:
USA CAPITAL REALTY ADVISORS, LLC.,
11 Debtor.

12 In re:
13 USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC.,
14 Debtor.

15 In re:
16 USA CAPITAL FIRST TRUST DEED FUND,
LLC.,
17 Debtor.

18 In re:
19 USA SECURITIES, LLC.,
20 Debtor.

21 Affects:
Q All Debtors
22 Q USA Commercial Mortgage Company
Q USA Securities, LLC
23 Q USA Capital Realty Advisors, LLC
Q USA Capital Diversified Trust Deed Fund, LLC
24 Q USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

Chapter 11

**Jointly Administered Under
Case No. BK-S-06-10725-LBR**

Date:
Time:

25 **OPPOSITION TO JOINT MOTION FOR NUNC PRO TUNC ORDER CLARIFYING**
26 **REQUIREMENTS TO PROVIDE ACCESS TO INFORMATION**
27
28

1 A. The Creditors Rights to Conduct A 2004 Examination Should Remain Unfettered.

2 On notice shortened to less than one full business day, it is impossible to sufficiently parse the
 3 syntax of the proposed order regarding access to information to determine what it says, much less what
 4 it means. Does the Joint Committee's motion seek to restrict the right of creditor's to conduct a 2004
 5 examination of officer's and employees of the Debtor or fact witnesses with information relevant to the
 6 bankruptcy or otherwise inhibit the discovery rules applicable in an adversary proceeding? Does the
 7 Information Protocol serve to actually vitiate the statutory requirements under 11 U.S.C. §1103(2) that
 8 the committees actually provide access to information and "be subject to a court order that compels
 9 any additional report or disclosure to be made to the creditors." What limitations exist on the
 10 committees ability to enter into confidentiality agreements that may hide important information
 11 concerning the claims that the Debtor may assert from public view? The suggestion that the court should
 12 enter any such matter *nunc pro tunc* as a strictly administrative matter when the motion itself
 13 acknowledges an ambiguity in the statute is simply audacious.

14 CONCLUSION

15 The motion should properly be denied unless and until these questions concerning the scope
 16 and effect of the proposed order are answered.

17 DATED this 12th day of June 2006

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 19 LAW OFFICES OF RICHARD McKNIGHT, P.C.

20
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